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PARTIES

4. Plaintiff Peter Jackson ("Plaintiff") is a natural person who at all relevant times resided in the State of Washington, County of Whatcom, and City of Bellingham.

5. Defendant GE Capital Retail Bank ("Defendant") is an entity who at all relevant times was engaged, by use of the mails and telephone, in the business of attempting to collect a "debt" from Plaintiff.

FACTUAL ALLEGATIONS

6. In mid-September, 2013, Plaintiff spoke with Defendant and told Defendant not to call him.

7. Subsequently, Defendant placed multiple telephone calls to Plaintiff's cellular telephone number, including, but not limited to, the following dates and approximate times:

- 1) September 26, 2013 at 6:07 P.M.;
- 2) September 27, 2013 at 6:05 P.M.;
- 3) September 28, 2013 at 6:04 P.M.;
- 4) September 29, 2013 at 10:03 A.M.;
- 5) September 29, 2013 at 6:18 P.M.;
- 6) October 5, 2013 at 1:38 P.M.;
- 7) October 6, 2013 at 10:13 A.M.;
- 8) October 6, 2013 at 4:39 P.M.;
- 9) October 9, 2013 at 1:51 P.M.;
- 10) October 9, 2013 at 8:30 P.M.;
- 11) October 20, 2013 at 10:27 A.M.;
- 12) October 20, 2013 at 12:58 P.M.;
- 13) October 20, 2013 at 2:20 P.M.;
- 14) October 20, 2013 at 4:36 P.M.;
- 15) October 21, 2013 at 8:31 A.M.;
- 16) October 21, 2013 at 12:46 P.M.;
- 17) October 22, 2013 at 10:42 A.M.;
- 18) October 23, 2013 at 8:12 A.M.;
- 19) October 23, 2013 at 10:29 A.M.;

1 20)October 23, 2013 at 7:55 P.M.;
2 21)October 24, 2013 at 8:33 A.M.;
3 22)October 24, 2013 at 9:36 A.M.;

4 8. During many of the above-referenced calls, Defendant delivered a
5 voicemail message to Plaintiff using an artificial or pre-recorded voice.

6 9. Upon information and belief, the telephone calls identified above were
7 placed to Plaintiff's cellular telephone number using an automatic telephone dialing
8 system.
9

10 10. Defendant did not place any telephone calls to Plaintiff for emergency
11 purposes.
12

13 11. Defendant did not have Plaintiff's prior express consent to make any
14 telephone calls to Plaintiff's cellular telephone number.

15 12. Upon information and belief, Defendant placed the telephone calls to
16 Plaintiff identified above voluntarily.
17

18 13. Upon information and belief, Defendant placed the telephone calls to
19 Plaintiff identified above under its own free will.
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21 14. Upon information and belief, Defendant had knowledge that it was using
22 an automatic telephone dialing system or an artificial or pre-recorded voice to place
23 each of the telephone calls identified above.
24

25 15. Upon information and belief, Defendant intended to use an automatic
26 telephone dialing system or an artificial or pre-recorded voice to place each of the
27 telephone calls identified above.
28

1 16. Upon information and belief, Defendant maintains business records that
2 show all calls Defendant placed to Plaintiff's cellular telephone number.
3

4 **COUNT I**
5 **VIOLATION OF 47 U.S.C. § 227(b)(1)(A)(iii)**

6 17. Plaintiff repeats and re-alleges each and every factual allegation above.

7 18. Defendant violated 47 U.S.C. § 227(b)(1)(A)(iii) by willfully and
8 knowingly placing telephone calls to Plaintiff's cellular telephone number using an
9 automatic telephone dialing system and/or an artificial or pre-recorded voice.
10

11 WHEREFORE, Plaintiff prays for relief and judgment, as follows:

- 12 a) Adjudging that Defendant violated 47 U.S.C. § 227(b)(1)(A)(iii);
13 b) Enjoining Defendant from placing any further telephone calls to Plaintiff
14 in violation of the TCPA, pursuant to 47 U.S.C. § 227(b)(3)(A);
15 c) Awarding Plaintiff statutory damages in the amount of \$500.00 per
16 violation, pursuant to 47 U.S.C. § 227(b)(3)(B);
17 d) Awarding Plaintiff actual damages, pursuant to 47 U.S.C. § 227(b)(3)(B);
18 e) Awarding Plaintiff treble damages, pursuant to 47 U.S.C. § 227(b)(3);
19 f) Awarding Plaintiff reasonable attorneys' fees and costs incurred in this
20 action;
21 g) Awarding Plaintiff pre-judgment and post-judgment interest as
22 permissible by law; and
23 h) Awarding such other and further relief as the Court may deem just and
24 proper.
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TRIAL BY JURY

19. Plaintiff is entitled to and hereby demands a trial by jury.

Dated: April 29, 2014

Respectfully submitted,

s/Jon N. Robbins

Jon N. Robbins WSBA#28991

Thompson Consumer Law Group, PLLC

Attorney for Plaintiff